

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ADVANCEME, INC.,

Plaintiff,

v.

RAPIDPAY LLC, FIRST FUNDS LLC,
MERCHANT MONEY TREE, INC.,
REACH FINANCIAL, LLC, and FAST
TRANSACT, INC. d/b/a SIMPLE CASH,

Defendants.

CASE NO. 6:05-CV-424 (LED (JDL))

JURY TRIAL DEMANDED

ADVANCEME, INC.,

Plaintiff,

v.

AMERIMERCHANT, LLC,

Defendant.

CASE NO. 6:06-CV-082 (LED – JDL)

JURY TRIAL DEMANDED

**DECLARATION OF MICHAEL N. EDELMAN IN SUPPORT OF
ADVANCEME, INC.'S OPPOSITION TO DEFENDANTS'
MOTION FOR LEAVE TO AMEND INVALIDITY CONTENTIONS**

I, Michael N. Edelman, declare that I am an attorney, admitted to practice before this Court *pro hac vice*, and of counsel to the law firm Paul, Hastings, Janofsky & Walker, LLP, representing plaintiff, AdvanceMe, Inc. in the above-captioned matter. If called upon to testify, I could and would do so competently as to the matters set forth herein.

EDELMAN DECLARATION IN SUPPORT OF ADVANCEME,
INC.'S OPPOSITION TO DEFENDANTS' MTN FOR LEAVE TO
AMEND INVALIDITY CONTENTIONS

1. Attached hereto as Exhibit A is a true and correct copy of a April 26, 2006 e-mail from David Goldin to Tim Litle.
2. Attached hereto as Exhibit B are true and correct copy of an April 27, 2006 e-mail from David Goldin to Tim Litle regarding a Forbes article.
3. Attached hereto as Exhibit C is a true and correct copy of an email from David Goldin to Tim Litle regarding the Advanceme Patent.
4. Attached hereto as Exhibit D is a true and correct copy of a fax cover sheet attaching a Promissory Note for Postage Advance, from Paymentech to David Goldin reflecting a fax date of June 19, 2006.
5. Attached hereto as Exhibit E is a true and correct copy of a June 20, 2006 e-mail from David Goldin to Tim Litle regarding Postage Financing Agreement.
6. Attached hereto as Exhibit F is a true and correct copy of an email from David Goldin to Tim Litle regarding prior art.
7. Attached hereto as Exhibit G is a true and correct copy of an email dated July 7, 2006 from Tim Litle to David Goldin regarding a patent issue.
8. Attached hereto as Exhibit H is a true and correct copy of an email dated July 10, 2006 from David Goldin to Tim Litle regarding an interview with Defendants' attorneys.
9. Attached hereto as Exhibit I is a true and correct copy of an email dated July 13, 2006 from David Goldin to Tim Litle regarding a follow up from the interview with Defendants' attorneys.
10. Attached hereto as Exhibit J is a true and correct copy of an email dated July 15, 2006 from Tim Litle to David Goldin regarding postage financing agreements.

11. Attached hereto as Exhibit K is a true and correct copy of a fax dated July 25, 2006 from Paymentech to David Goldin regarding Litle & Co. prior art.
12. Attached hereto as Exhibit L is a true and correct copy of an email dated July 26, 2006 from David Goldin to Tim Litle.
13. Attached hereto as Exhibit M is a true and correct copy of a letter I received on October 9, 2006 from Joseph Gray.
14. Attached hereto as Exhibit N is a true and correct copy of a letter I received on October 30, 2006 from Joseph Gray.
15. Attached hereto as Exhibit O is a true and correct copy of a letter I sent to Joseph Gray on October 30, 2006.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 17th day of November, 2006, at Palo Alto, California.

By: _____/s/
Michael N. Edelman

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served a copy of this document via the court's CM/ECF system pursuant to Local Rule cv-5(a)(3) on this the 17th day of November, 2006. Any other counsel of record will be served by first class mail on this same date.

/s/

Rose Jones-Shine

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